

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DARREN LEWIS, :

Plaintiff, :

- against - :

NORTH GENERAL HOSPITAL and :

1199SEIU UNITED HEALTH :

CARE WORKERS EAST, :

Defendants. :

- - - - -x

ORDER

06 Civ. 4909(DC)

CHIN, Circuit Judge:

Plaintiff Darren Lewis, proceeding *pro se*, moves for leave to proceed *in forma pauperis* on appeal pursuant to Federal Rule of Appellate Procedure ("FRAP") 24(a)(1). Dkt. 52. For the reasons stated below, the motion is DENIED.

On December 14, 2023, I denied Lewis's motion to reopen his employment discrimination case. Dkt. 49; see Dkts. 47, 48. Lewis filed a notice of appeal on December 26, 2023. Dkt. 51. The last ruling on the merits in this case was on August 23, 2007, when I granted Defendants' motion for summary judgment and dismissed Lewis's complaint with prejudice. Dkt. 45.

In his motion to proceed *in forma pauperis*, Lewis fails to answer the portion of the form requiring him to state the issues on appeal. See Dkt. 52 at 2; see also FRAP

24(a)(1)(C) (requiring a party who desires to appeal *in forma pauperis* to "state[] the issues that [he] intends to present on appeal").

Even if Lewis had properly completed the motion form, it is still within the discretion of the district court whether to grant a request to proceed *in forma pauperis*. *Burda Media Inc. v. Blumenberg*, 731 F. Supp. 2d 321, 322 (S.D.N.Y. 2010). The question is whether the appeal is taken in good faith. See *id.* at 322-23. "[G]ood faith is adjudged by an objective standard, and if an appeal is frivolous it is not taken in good faith." *Morales v. New York and Presbyterian Hosp.*, No. 18-cv-9711, 2020 WL 13749978 at *3 (S.D.N.Y. April 13, 2020).

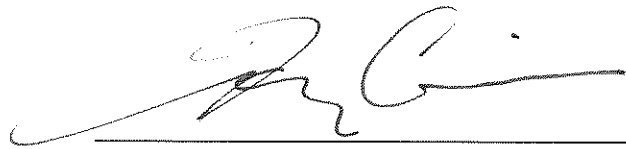
As set forth in my December 14, 2023 order, Lewis has not demonstrated any reason for his sixteen-year delay in moving to reopen his case, which was dismissed on the merits. Thus, Lewis's motion to proceed *in forma pauperis* must be denied because his appeal is frivolous and not taken in good faith. See *Nigel Fredricks v. Doe*, No. 20-cv-5738, 2020 WL 8513505 at *2 (S.D.N.Y. Dec. 2, 2020) (denying motion to proceed *in forma pauperis* because plaintiff did "not identify the relevant facts or entitlement to redress, or provide an adequate basis for the Court to evaluate what Plaintiff intends to challenge on appeal").

Accordingly, pursuant to 28 U.S.C. § 1915(a)(3), I certify that any appeal taken from my December 14, 2023 order would not be taken in good faith.

Lewis's motion for leave to proceed *in forma pauperis* on appeal is DENIED.

SO ORDERED.

Dated: New York, New York
January 4, 2024

A handwritten signature in black ink, appearing to read 'D. Chin', is written over a horizontal line.

DENNY CHIN
United States Circuit Judge
Sitting By Designation